

MINUTES OF THE CITY OF BURLINGTON
CITY COUNCIL WORK SESSION
April 5, 2010

The City Council of the City of Burlington held a regularly scheduled work session at the John Robert Kernodle Senior Activity Center, 1535 South Mebane Street, Burlington, N.C., on April 5, 2010, at 7 p.m.

Councilmembers present: Mayor Ronnie K. Wall, Mayor Pro Tem David Huffman, Councilmembers James Butler, Stephen M. Ross and Celo Faucette

Councilmembers absent: None

Harold Owen, City Manager, present

Robert M. Ward, City Attorney, present

Jondeen D. Terry, City Clerk, present

Other Staff Present: Jay Smith, Gary Younger, Mike Caviness, Mike Willets, Nolan Kirkman, Lanny Rhew, Tony Laws, Bob Harkrader, Frank Hope, Peggy Reece, Bob Patterson and John Nixon.

Others Present: Richard Parker

Media Present: Michael Abernethy, Times-News

A) Mandatory Physical Fitness Program - Fire Department

Fire Chief Smith introduced Gary Younger, Deputy Chief, Training Division, and Mike Caviness, Lieutenant, Training Division. Lt. Caviness said the department would be presenting a policy to establish a mandatory Job Requirement Physical Agility Testing Procedure. (JRPAT). The policy will also coincide with the City's wellness program and establish mandatory physical fitness requirements for all personnel that may be required to perform interior firefighting operations. He explained that a FEMA-sponsored study of firefighters age 40 and over found that firefighters have a 300% increased risk for heart disease compared to the general population. He said that this program goes hand in hand with the STAR program. Goals and objectives of the JRPAT were to promote firefighter fitness, reduce workplace injuries and to improve the physical appearance of the department to the general public. Lt. Caviness

reviewed the different parts of the physical assessment and the different stations of the test. Listed below is the plan for implementation of the mandatory test:

- ♦ May 2010 - Present policy to Fire Department personnel
- ♦ July 1, 2010 - Institute mandatory one-hour physical fitness program per person per shift
- ♦ October 2010 - Preliminary practice run with no repercussions to employee
- ♦ May 2011 - Another preliminary practice run with no repercussions to employee
- ♦ October 2011 - Final preliminary practice run with no repercussions to employee
- ♦ May 2012 - JRPAT will be fully implemented with pass/fail time completion of less than eight minutes

Lt. Caviness said that in the event of a firefighter's failure, Elon's Sports Physiology Department will perform a physical assessment under the recommendation of Dr. Jim Strickland and formulate an individual comprehensive physical fitness program in order to return the firefighter to a "fit for duty" status. The timeframe for physical reconditioning will be 90 days.

City Manager Owen said the program was to protect firefighters and that it would be good for the department.

The consensus of Council was to proceed with the mandatory program.

B) Fragrance Garden

Director of Recreation and Parks Tony Laws explained that Ms. Pat Yarbrough was interested in the perpetuity of Daphne's Fragrance Garden. She had asked for assurance that it would not be abandoned without good cause. Mr. Laws said that the Parks and Recreation Commission approved a recommendation to keep the garden in the same location in future years.

Attorney Bob Ward said that Ms. Yarbrough was looking for a statement from Council to ensure that the fragrance garden would not be destroyed. Mr. Ward said that he had prepared a draft resolution and would give it to Council to adopt at its next meeting. Council will be expressing its desire to keep the garden at its location.

C) Fire Prevention - Combustible Landscape

City Manager Owen said there have been a substantial number of fires from pine needles used for decorative purposes near highly flammable structures.

Deputy Chief Mike Willets showed a video filmed last week in Chapel Hill by Chapel Hill Assistant Fire Chief Matt Lawrence. The video clearly showed that pine straw was much more flammable than mulch. Deputy Chief Willets stated that Chapel Hill and other municipalities have adopted ordinances banning pine straw near combustible vinyl. He said the ordinances do not include single-family dwellings. Deputy Chief Willets stressed that education of citizens is crucial. Articles will be published in the City Works and on the City's website.

D) Future Transportation Projects

Public Works Director Nolan Kirkman said that the following three projects were in the planning stages:

Rockwood Avenue Extension Project

MPO Study

- Operational/Impact Study to include identification of any surrounding impacts
- Firms have submitted proposals
- Anticipate completion of study this summer

Report to Council on study findings

- Discuss impacts and any needed mitigation(s)
- Discuss Funding Options - State Transportation Improvement Program (STIP) vs. Local Funding (\$1.2 million plus \$560,000.)
 - STIP
 - Prioritize through MPO (Local Needs List)
 - Local
 - Assess potential partnerships with NCDOT on any needed mitigation(s) identified in study
 - Estimate costs to City on mitigation(s) share
 - Report to Council on cost estimates
 - Reassess STIP vs. local options
 - If local - obtain design consultant (includes public input involvement)

Rural Retreat Road Extension Project

Staff Recommendations

- Obtain consultant to conduct operational analysis
 - Assess benefits
 - Parallel corridor to US 70
 - Emergency services
 - Future annexations
 - Economic development
 - Utility impacts
 - Environmental screening
 - Emergency services analysis Review current alignment
 - Provide cost estimate
- Discuss Funding Options - State Transportation Improvement Program (STIP) vs. Local Funding
 - STIP
 - Prioritize through MPO (local needs list)
 - Local
 - Assess potential partnerships with NCDOT
 - Estimate costs to City
 - Report to Council on cost estimates
 - Reassess STIP vs. Local options
 - If local, obtain design consultant (includes public input involvement)

NC54 Widening Project

- a. On STIP - U-2907
 - Right-of-way acquisition in STIP for 2014
\$3.3 million (not in draft NCDOT five-year Work program)
- b. NCDOT currently in planning/design stage
 - Currently NCDOT planning for sidewalk on both sides; municipal agreement would be created closer to construction
 - 1. One-side - City share of 40% = \$90,000
(total \$220k)
 - 2. Two-sides - City share of 40% = \$175,000
(total \$440k)
 - 3. NCDOT willing to install 4' striped bike lanes or 2' wider outside lanes with no local participation
 - Utility costs - at time of construction City will have costs related to utility adjustments; costs should be similar to Mebane St. (\$1 million to \$1.5 million range)

- Staff recommends to begin reserving funds for sidewalk and utility costs when it appears on the NCDOT five-year work program
- NCDOT needs City to provide a letter formally requesting sidewalks (one side or two sides)

Mayor Pro Tem Huffman mentioned that the O'Neal extension would run from West Front Street to Webb Avenue. He suggested reviewing original projections for the project, studying traffic projections and thinking about zoning.

Mr. Kirkman pointed out that the City's share of the sidewalk project for the Highway 54 would be approximately 40% of the total cost of the sidewalks and that the City should start reserving money for this project when it appears on the NCDOT 10-year Action Plan.

E) Temporary Street Closing Policy

Mr. Owen asked Council to review the proposed Street Closing Policy which would grant the city manager authority to temporarily close streets. Mr. Owen asked Council to let him know if it was agreeable to put it on the agenda for formal approval.

F) City Manager Comments

NCLM Municipal Environmental Assessment Coalition

Mr. Owen said that the City continues to have environmental challenges with state regulations. He said the NCLM was working with a group of municipalities that were trying to be proactive on issues related to water.

Water Resources Director Bob Patterson explained that the Department of Environment and Natural Resources (DENR) conducts triennial reviews of water quality standards. He said that proposed changes for metals could affect recruiting new industry to the City.

Mr. Owen said there was a small charge involved but that it was an effort to work with the state ahead of time.

Councilmember Butler said that the City was not adequately represented by the NCLM on the Jordan Lake issue and Mayor Wall pointed out that this would involve everyone across the state.

City Manager Owen said that he would attempt to get additional information from the NCLM and report to the Council at the April 6, 2010, City Council meeting.

Request for Add-ons to April 6, 2010, City Council Agenda

- Reclassification - Police Department
- Change May work session location to Council Chamber

F) Committee Reports

There were no committee reports.

G) Questions Concerning City Council Agenda

There were no questions concerning the agenda.

REQUEST FOR CLOSED SESSION

City Attorney Bob Ward requested a closed session in accordance with G.S. Section 143-318.11(a)(3) and (c) to consult with attorney in connection with the lawsuit: Trey A. Bowden v. City of Burlington, Wendy P. Jordan and Jeremy Paul (10-CvS-444).

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Butler, it was resolved unanimously to enter into closed session.

CLOSED SESSION WAS HELD.

RETURN TO OPEN SESSION.

ADJOURN

The meeting was adjourned.

Jondeen D. Terry
City Clerk